

REMARKS/ARGUMENTS

Summary of Applicant's Amendments

Claims 35-39 were allowed.

Claims 1-5, 8-9, and 40-41 were rejected under 35 U.S.C. 103(a) as being anticipated by Kita U.S. Patent No. 6,263,218 (hereinafter "Kita") in view of Geholt. U.S. Patent No. 6,249,222 (hereinafter "Geholt").

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Geholt and further in view of Higuchi et al. U.S. Patent No. 6,697,647 (hereinafter "Higuchi").

Claim 11-13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Geholt and further in view of Tagawa Japanese Publication No. 2001086202 (hereinafter "Togawa").

Claims 15-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Geholt and further in view of Perry U.S. Patent No. 6,160,489 (hereinafter "Perry") and Toyoshima JP2001-352378 (hereinafter "Toyoshima").

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang and Toyoshima and further in view of Toyoshima and Oota U.S. Publication No. 2003/0176205 (hereinafter "Oota").

Claim 14, 25, 27-30, and 31-34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot U.S. Patent No. 6,249,222 (hereinafter "Gehlot") in view of Fujisawa et al. U.S. Patent Application Publication No. 2002/0115478 (hereinafter "Fujisawa").

Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot in view of Fukisawa and further in view of Togawa.

Summary of Applicant's Amendments

Applicant has added new claims 42-44 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicant has amended claim 14 and 31-33 without prejudice and solely in order to expedite prosecution.

Applicant has cancelled claim 25-27 without prejudice and solely in order to expedite prosecution.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in any number of continuation or divisional applications.

The 35 U.S.C. § 103(a) Rejection

Claim 1

Claims 1-5, 8-9, and 40-41 were rejected under 35 U.S.C. 103(a) as being anticipated by Kita in view of Geholt.

The Examiner stated that Kita:

"does not ... teach ... sensing device that senses a signal, operable to directly perceived by a user from the cellular phone.

...Geholt discloses ... method and apparatus for generating color based alerting signals ... sensing device (reads on 80, fig. 8) that senses a signal operable to directly perceived by a user ... (figs. 1A, 8; col. 3, lines 52-65)." (Office Action, pages 3)

Geholt does not correct for Kita's deficiency. Geholt does not show or suggest - in any way, shape, or form, a signal operable to be directly perceived by a user from a phone that is sensed by an autonomous sensing device. Geholt merely discusses signals unable to be perceived by a user. For example, the Examiner's reference to col. 3, lines 52-65 merely discuss an alleged microphone plug. If a user holds the Geholt's alleged microphone plug in his/her hand or to his/her eyes or ears that user will not be able to perceive a signal. Accordingly, Geholt teaches directly away from applicant's invention of claim 1.

Neither Geholt nor Kita, used either alone or in combination, show or suggest applicant's invention of claim 1 of a signal operable to be directly perceived by a user from a phone that is sensed by an autonomous sensing device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom, under 35 U.S.C. 103(a) be withdrawn.

Claim 14

Claim 14, 25, and 27-30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot in view of Fujisawa et al.

Solely in order to expedite prosecution, Applicant has amended claim 14 to include an autonomous sensing device that senses a signal, operable to be directly perceived by a user, from said device. None of the prior art, including Gehlot and Fujisawa, used either alone or in combination, show or suggest such a feature.

Accordingly, claim 14 is patentable. Applicant respectfully requests that the Examiner's rejection of claim 14, and any claims dependent therefrom, under 35 U.S.C. 102(b) be withdrawn.

Claim 31

Claim 31-34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gehlot in view of Fujisawa et al.

Amended claim 31 includes an autonomous sensing device for sensing a signal, operable to be directly perceived by a user, from a telephonic device, wherein said autonomous sensing device provides a communication signal indicative of said signal. None of the prior art, including Gehlot and Fujisawa, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 31, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Geholt and further in view of Higuchi. Claim 11-13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Geholt and further in view of Tagawa. Claims 15-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Geholt and further in view of Perry and Toyoshima. Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang and Toyoshima and further in view of Toyoshima and Oota.

As shown above, applicant's independent claims 1, 14, and 31 are patentable. Each of the above claims depend from claim 1, 14, and 31. Accordingly, applicant respectfully requests that the above claims are patentable for depending from patentable independent claims.

New Claims 42-44

Applicant has added new claims 42-44. New claims 42-44 depend from claim 35, which is patentable. Accordingly, applicant respectfully submits that claims 42-44 are patentable for depending from a patentable independent claim.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. A favorable action is respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

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